

AMENDED IN SENATE APRIL 7, 2003

SENATE BILL

No. 129

Introduced by Senator Escutia

February 5, 2003

An act to amend Section ~~68502.5~~ 77202 of the Government Code, relating to trial courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 129, as amended, Escutia. Trial courts: budget process.

Existing law ~~authorizes the Judicial Council to include in its trial court budget process any of a list of 11 actions, including receipt and review of trial courts' budget requests and the allocation and reallocation of funds~~ requires the Judicial Council to adopt policies and procedures governing budgeting in the trial courts, and specifies the duties of the Administrative Director of the Courts in this regard.

This bill would require the Judicial Council to ~~include all 11 of those actions in its trial court budget process~~ circulate proposed amendments to those policies and procedures, as specified, and provide for the duties of the Administrative Office of the courts with respect to requests to transfer funds.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 68502.5 of the Government Code is~~
- 2 *SECTION 1. Section 77202 of the Government Code is*
- 3 *amended to read:*

1 77202. (a) The Legislature shall make an annual
2 appropriation to the Judicial Council for the general operations of
3 the trial courts based on the request of the Judicial Council. The
4 Judicial Council's trial court budget request shall meet the needs
5 of all trial courts in a manner which promotes equal access to the
6 courts statewide. The Judicial Council shall allocate the
7 appropriation to the trial courts in a manner that best ensures the
8 ability of the courts to carry out their functions, promotes
9 implementation of statewide policies, and promotes the immediate
10 implementation of efficiencies and cost saving measures in court
11 operations, in order to guarantee access to justice to citizens of the
12 state.

13 The Judicial Council shall ensure that its trial court budget
14 request and the allocations made by it reward each trial court's
15 implementation of efficiencies and cost saving measures.

16 These efficiencies and cost saving measures shall include, but
17 not be limited to, the following:

18 (1) The sharing or merger of court support staff among trial
19 courts across counties.

20 (2) The assignment of any type of case to a judge for all
21 purposes commencing with the filing of the case and regardless of
22 jurisdictional boundaries.

23 (3) The establishment of a separate calendar or division to hear
24 a particular type of case.

25 (4) In rural counties, the use of all court facilities for hearings
26 and trials of all types of cases and the acceptance of filing
27 documents in any case.

28 (5) The use of alternative dispute resolution programs, such as
29 arbitration.

30 (6) The development and use of automated accounting and
31 case-processing systems.

32 (b) (1) The Judicial Council shall adopt policies and
33 procedures governing practices and procedures for budgeting in
34 the trial courts in a manner that best ensures the ability of the courts
35 to carry out their functions and may delegate the adoption to the
36 Administrative Director of the Courts. The Administrative
37 Director of the Courts shall establish budget procedures and an
38 annual schedule of budget development and management
39 consistent with these rules.

(2) *The Trial Court Policies and Procedures shall specify the process for a court to transfer existing funds between or among the budgeted program components to reflect changes in the court's planned operation or to correct technical errors. If the process requires a trial court to request approval of a specific transfer of existing funds, the Administrative Office of the Courts shall review the request to transfer funds and respond within 30 days of receipt of the request. The Administrative Office of the Courts shall submit the request for approval or denial to the affected court, in writing, with copies provided to the Department of Finance, the Legislative Analyst Office, the Legislature's budget committees, and the court's affected labor organizations.*

(3) *The Judicial Council shall circulate for comment to all affected entities any amendments proposed to the Trial Court Policies and Procedures as they relate to budget monitoring and reporting. Final changes shall be adopted at a meeting of the Judicial Council.*

~~amended to read:~~

~~68502.5.— (a) The Judicial Council may, as part of its trial court budget process, seek input from groups and individuals as it deems appropriate including, but not limited to, advisory committees and the Administrative Director of the Courts. The trial court budget process shall include, but need not be limited to, the following:~~

~~(1) The receipt of budget requests from the trial courts.~~

~~(2) The review of the trial courts' budget requests and an evaluation of them against performance criteria established by the Judicial Council by which a court's performance, level of coordination, and efficiency can be measured.~~

~~(3) The annual adoption of the projected cost in the subsequent fiscal year of court operations as defined in Section 77003 for each trial court. This estimation shall serve as a basis for recommended court budgets, which shall be developed for comparison purposes and to delineate funding responsibilities.~~

~~(4) The annual approval of a schedule for the allocation of moneys to individual courts and an overall trial court budget for forwarding to the Governor for inclusion in the Governor's proposed annual budget. The schedule shall be based on the performance criteria established pursuant to paragraph (2), on a minimum standard established by the Judicial Council for the~~

~~operation and staffing of all trial court operations, and on any other factors as determined by the Judicial Council. This minimum standard shall be modeled on court operations using all reasonable and available measures to increase court efficiency. The schedule of allocations shall assure that all trial courts receive funding for the minimum operating and staffing standards before funding operating and staffing requests above the minimum standards, and shall include incentives and rewards for any trial court's implementation of efficiencies and cost saving measures.~~

~~(5) The reallocation of funds during the course of the fiscal year to ensure equal access to the trial courts by the public, to improve trial court operations, and to meet trial court emergencies. Neither the state nor the counties have any obligation to replace moneys appropriated for trial courts and reallocated pursuant to this paragraph.~~

~~(6) The allocation of funds in the Trial Court Improvement Fund to ensure equal access to trial courts by the public, to improve trial court operations, and to meet trial court emergencies.~~

~~(7) Upon approval of the trial courts' budget by the Legislature, the preparation during the course of the fiscal year of allocation schedules for payments to the trial courts, consistent with Section 68085, which shall be submitted to the Controller's office at least 15 days before the due date of any allocation.~~

~~(8) The establishment of rules regarding a court's authority to transfer trial court funding moneys from one functional category to another in order to address needs in any functional category.~~

~~(9) At the request of the presiding judge of a trial court, an independent review of the funding level of the court to determine whether it is adequate to enable the court to discharge its statutory and constitutional responsibilities.~~

~~(10) From time to time, a review of the level of fees charged by the courts for various services and preparation of recommended adjustments for forwarding to the Legislature.~~

~~(11) Provisions set forth in rules adopted pursuant to Section 77206.~~

~~(b) Courts and counties shall establish procedures to allow for the sharing of information as it relates to approved budget proposals and expenditures that impact the respective court and county budgets. The procedures shall include, upon the request of a court or county, that a respective court or county shall provide~~

1 ~~the requesting court or county a copy of its approved budget and,~~
2 ~~to the extent possible, approved program expenditure component~~
3 ~~information and a description of budget changes that are~~
4 ~~anticipated to have an impact on the requesting court or county.~~
5 ~~The Judicial Council shall provide to the Legislature on December~~
6 ~~31, 2001, and yearly thereafter, budget expenditure data at the~~
7 ~~program component level for each court.~~

8 ~~(c) The Judicial Council shall retain the ultimate responsibility~~
9 ~~to adopt a budget and allocate funding for the trial courts and~~
10 ~~perform the other activities listed in subdivision (a) that best assure~~
11 ~~their ability to carry out their functions, promote implementation~~
12 ~~of statewide policies, and promote the immediate implementation~~
13 ~~of efficiencies and cost saving measures in court operations, in~~
14 ~~order to guarantee equal access to the courts.~~

